IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 98 of 1999
with
CIVIL APPLICATION NO.11052 OF 2001

For Approval and Signature:

Hon'ble MR.JUSTICE K.R.VYAS

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1. Whether Reporters of Local Papers may be allowed to see the judgement? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RUNGTA ART PROCESSORS (P) LTD

Versus

GEB

Appearance:

1. Special Civil Application No. 98 of 1999
MR AR MAJMUDAR for Petitioner No. 1
MR MD PANDYA for Respondents No. 1-3

CORAM : MR.JUSTICE K.R.VYAS

Date of decision: 30/10/2001

COMMON ORAL JUDGEMENT

Heard learned Counsel appearing for the parties.

2. It was contended by learned Counsel appearing for the respondent Board that the petitioner has alternative remedy of approaching the Appellate authority for redressal of its greivance. In my opinion, the objection raised on behalf of the respondent Board has some substance. Under the circumstances, the petitioner is directed to approach the Appellate authority for redressal of its grievance. It will be open for the petitioner to apply before the Appellate authority for not enforcing the notice dated 17.9.2001, which according to the petitioner, has not been enforced till date. I am sure that as and when such request is made, it will be considered on its own merits. It will be open for the petitioner to request for appropriate instalments if any amount is found ultimately payable, keeping in view the financial constraints under which the petitioner is operating. It will also be open for the petitioner to apply to the Appellate authority for waiver of the amount as a pre-condition for appearing before the Appellate authority keeping in mind the peculiar facts and circumstances of the case. The Appellate authority may consider the same sympathetically and in accordance with law.

3. Subject to the above observations, this petition is disposed of without entering into the merits of the case. Rule is hereby discharged, with no order as to costs.

4. In view of the order passed in the main petition, no orders are required to be passed in the Civil Application. The Civil Application stands disposed of accordingly.

(K.R. Vyas, J.)

Sreeram.